

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 4500 of 1999

DATED: 14.11.2007

Between:

U Srinivasa Rao

petitioner

And

Divisional Engineer (Operations)

Nirmal, Adilabad dist,APTRANSCO & ors

Respondents

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THE HON'BLE MR JUSTICE N.V. RAMANA

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ORAL ORDER:

This writ petition is filed seeking a declaration that the petitioner is entitled to have his pay revised and re-fixed in terms of the orders of this Court in W.P No. 10869 of 1984 dated 6.11.1992 with all other consequential benefits.

Today when the matter is taken up, learned counsel for petitioner submitted that there was an anomaly in the pay of graduates and non-graduates inasmuch as, the graduates were given higher start in the time scale and the same was decided by this Court in similar writ petition in W.P. No. 10869 of 1984 and the petitioner being similarly situated deserves similar consideration. It is further submitted that the orders passed in W.P. No. 10869 of 1984 dated 6.11.1992 have become final. Learned Standing Counsel for respondent-company admitted the same.

Heard the learned counsel for petitioner and learned standing counsel for respondent and perused the material available on record, including the orders dated 6.11.1992 in W.P No. 10869 of 1984.

The issue raised in the present writ petition is squarely covered by the orders of this Court in W.P No. 10869 of 1984 dated 6.11.1992. The operation portion of the order reads as under;

‘..... Regulation 6 (1) would have been fit for the void of unconstitutionally violative of Article 24 of the Constitution of India as absolutely there would be valid discrimination of deprive the seniors of their due pay at least on par with their juniors irrespective of educational qualification which was criteria at the inception and which would have mattered for each and every revision of pay scales. Pursuant to this insertion of provision, the D.A merged pay scales were being paid to the petitioners on par with their juniors for several years and by impugned memo not only the petitioners were sought to be deprived of the same in future, but the amounts which was over years were sought to be recovered. The action of the respondent Electricity Board in annulling this provision which was added in exercise of the rule making power could not have been withdrawn by executive instructions contained in Memo dated 17.11.1978 will be infractive of Article of the constitution of India as it results the similarly situate being dissimilarly treated for no valid classification and the being none nexus for any object to be achieved much less intelligible differential.

In the circumstances, the impugned memo dated 17.11.1978 and the consequential memo dated 18.2.1984 are set aside and the rule issued is made absolute. No order as to costs.”

In the circumstances, following the judgment of this Court in W.P. No. 10869 of 1984 dated 6.11.1992, this writ petition is allowed. The respondents are directed to consider the case of the petitioner in terms of the orders of this Court in W.P.No. 10869 of 1984 dated 6.11.1992 and if he is found eligible for revision and re-fixation of pay, to pass appropriate orders in accordance with law, expeditiously.

N.V.RAMANA,J

DATED: 14.11.2007

**Note: office to annex copy of
Order in W.P. 10869 of 1984
Dated 6.11.1992.**

B/o TVK

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